App. F. IX-4

*Previous References.*

1943. 4 ( )

File No. 3-43

Serial Nos. 1-27-40

Jc

~~Bthy~~

*Later References.*

Hw. 141-43(1-2)

D&C 52-44 (1, 3)

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos.* 6

217/E.

Part B for April '44

**SUBJECT**

Application of Rules of the Home Service Rules.

40) To the Govt of P.E.

Issuing necessary amendment in this respect.

Application of Rule 5 of the Work Service Rules

97/1700/Mag 1777

Continuation Sheet. 9/c File No. / Current No. 3 of 43 Page.

1) Letter No. 806/1AD dated 30-6-43 from the Comptroller to Govt stating that the intervening Periods of leave without allowances under the work service Rules interrupt the continuity of service for the purpose of calculating the title to Privilege leave, and suggesting that the Periods of leave without allowances not exceeding on the whole, one month, during the first year of service, may not be taken as interruption of continuous service, and requesting orders in the matter

2) The Comptroller's suggestion seems to be suitable. Fin Secy has to be consulted. Submitted for orders. 3) The Govt Dist may be consulted. Dist Secy

9/7/43

To 20/7/43

4) yes Ce 10/8

10/8

5) Govt's letter is submitted for consideration

14/8.

TYPING SECTION 18 AUG 1943 GEN. & R...

To The Govt Dist Mc.

Dist Mc.

1529-30 of 17-8-43

Calling for their remarks in the matter

6) Letter No. 9-2402 dated 4th September 1943 from the Govt Director of Industries Stating that Period of L.W.A. granted in the first year of Service may not be

Re. application of Rule 5 of work service rules—
97 of 1700 of 1726 of 1777



taken as interruption of the continuous service.

(7) Letter No. B2. 51-41/42 dated 6th Sept. 1948 from the Director of Industries & Commerce, Statup that L.W.A. not exceeding on the whole one month, granted during the first year of service of an employee may not be taken as interruption of continuous service.

The Govt. Director of Industrial Concerns and the Director of Industries and Commerce who were consulted (with reference to paras 3 & 4) in the matter, say that they concur with the suggestion of the Comptroller that the periods of L.W.A. not exceeding on the whole one month, to an employee during the first year of service, may not be taken as interruption of continuous service. For orders with reference to para 2.

28/9/48 The Comptroller proposed Concurred in by Hon'ble Dy. Sec. & Sec may be asked in Consultation with Hon'ble Dep Sec) 9 Regrets.

28/9 10 May be approved Ce 15/X

Min. Rev. Hon'ble) 11 15/10

U.O.No. F1.1276 / 27.10.48

11 Before expressing my opinion, I would like to see the collection I. & C. 252-38 Sl. 18. It may kindly be caused to be put up.

27/10

Mrs. H. N., Mrs. K. R. & Mrs. K. R. will please find out where the original copy is & put up.

12 Please put up Ce 29/X

28/10 XII WS (Sur) 11/2

Application of Rule 5 of the Work Service Rules issued in G.O of 28.10.41

1777



This was put up as refce to A. No 3562 - Genl. rules for adoption in Govt. Sud. concerns - and was available yesterday. Hence by the 16th Govt. to Govt. D.C. Seen Shown it to send W.O

13. The Collection I & C. 252-38-(1-20) (Flag. T) is put up & submitted. Refce paras 11 & 12 on the previous page.

Dy Secy) 14 To 8/3/44

16th 25/2 25/2 & Fl. Sec w/e

15 Ce 9/3 To 11/3

16 The proposal of the Comptr. Concurred in by the Chief Director of I.C., and the Dir of I & C. is reasonable and may be accepted

Mr 11/3/44 Ce 13/3 To 14/3

(Minister)

17 MD 27/3 To Secy.

GOVT. OF MYSORE 8. MAR. 1944 SECRETARIAT

FINANCIAL SECRETARY 4624 GOVT. OF MYSORE

OFFICE OF THE MINISTER FOR INDUSTRIES & SUPPLIES MAR 14 1944 No. 5767

Comptroller's letter enquiring if suspension as a penalty for misconduct constitutes interruption of Continuous service and if so, whether all title to leave accumulated 2270.

Continuation Sheet. File No. Current No. is forfeited of Page.

Letter No. 207/1.A.D dated 23.9.1963 from the Comptroller requesting to be made clear whether or not the period of suspension as a penalty for misconduct constitute interruption of continuous service and if so whether all kee leave accumulated prior to the date of suspension is automatically forfeited.

18) The Comptroller's letter is for perusal. The question whether grant of L.W.A. constitute any break in continuous service, has been dealt with separately (vide Diary No 1700/1777) and orders are awaited. The Comptroller has suggested that in this connection in the first year of service the grant of L.W.A. does not constitute any break in continuous service. As regards the period of suspension as a penalty for misconduct, the Comptroller requests that it may be made clear whether or not it affects continuous service and if so, whether all title to leave accumulated prior to the date of suspension is automatically forfeited, under Work Service Rules.

19) Article 169 and 170 on S.R. are extracted and a copy of the Work Service Rules is placed below.

Section 169.M.S.R.

19/11/63

" Suspension from office as a penalty for misconduct is an interruption of duty within the meaning of Article 158.
( Article 158 - the amount of P.L. earned by an officer in superior service is 1/11 and by an officer in inferior service 1/22 part of the time during which he has been on duty without interruption.
Provided that no P.L. can be earned by an officer in superior service by duty performed while 3 months' such leave is due to him and by an officer in Inferior service while 2 months' such leave is due to him, and that whenever duty is interrupted, all claim to P.L. earned theretofore is forfeited. Absence on P.L. maternity

application of Rule 5 of the
Work Service rules with reference to 2270
suspension as a penalty for misconduct of the
Continuation Sheet. in the Service of ~~File No.~~ Current No. an of India Page.
employee 1700/1762/1111

leave, or Furlough Leave though not counting as duty, is not an interruption of duty within the meaning of this Article.)

Article 170... The suspension of an officer from office pending enquiry into his conduct -- interrupts his duty or not as the authority competent to pass final orders in the case may in each case decide. Time passed under such suspension does not qualify for P.L. unless, in any case such authority expressly orders that it shall so qualify."

20) The Comptroller's opinion in para 2 of his letter, that the provisions of Articles 169 & 170 R.S.R be made applicable to the employees governed by Work-Service rules in respect of periods of suspension may be accepted in Consultation with Legy Art. 170 is sufficiently elastic to cover cases deserving of sympathy.

21) Where is the other file referred to?

13/X A copy of the W.S. Rules may be put up.

27.10.43.

22) Subd The other file bearing No D. 1700/1762/1111.

~~Reference to the~~ is before the Financial Secretary (16/10/43). A Copy of the W.S. Rules is put up.

23) Please put up with ref to 252-38-18.

1/11/43 31/11/43

24) Records with the C.S. which became available on 24.2.44 having been returned by the G.O.C. to whom A. Headquarters sent it.

25/2 26) The suggestion in para (3) may be approved. The Secy may be consulted.

8.3.44

Jer Secy

27) Secy Legislative Dept. may please see.

13/3/44 15/3/44 16/3/44 17/3/44

Appln of rules 5 & 7 of the Work Service rules.

Continuation Sheet. File No. 1777/22/70. Page.
Current No.

Draft G.O Sub for consideration (vide paras 27 + 28 of the notes)

Please by up
11/4.
11/4/44.
25/7/44

Rec'd 24/4 by.

TYPING SECTION 25 APR 1944 G

Fee cur 3303

Fee cur 3303
27/4/44
27/4/44
27/4
27/4
27/7

Fee 252-38 (1-28) taken Part of note Dor. 5845.

Qrs 16/5/44

D. 6763-9 d. 22.4.44.

To the Dir of Ind
" Govt Dir of Ind
" Commissioner of Labour
" Comptroller High Ct D.
" C.E. & Forests
" General Manager Hyd. State Rys
" Chairman Hyd. Iron & Steel Works.

Enquiries in acceptance of the suggestion made by the Comptroller to Govt in the application of Rule 5 of the Work Service Rules about the treatment of leave, wages allowance and the period of suspension etc approves. & requests the Comptr to send draft amendments for the approval of Govt.

B & Sw.

Fr 3-431-

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

No. 806/I.A.D. *Bangalore, dated* 29th JUNE 1943.

306

From

M. Shamanna, Esq., M.A.,
~~MXXXIRAMAXURS,XEsqXXXBXAXXBXLXX~~,
*Comptroller to the Government of*
*His Highness the Maharaja of Mysore,*
*BANGALORE.*

To

97

The Secretary
to Government of His Highness
the Maharaja of Mysore, Development Department,
BANGALORE.

Sir,

RE: the application of Rule 5 of the Work Service Rules issued in G.O.No.D.2086-72 I & C.252-38-18 dated 28-10-41.

---

I have the honour to forward herewith an extract of letter No. F.9055 dated 9-4-43 received from the Financial Officer of the Government Electric Factory, Bangalore, regarding the application of the Rule quoted above in cases of the kind referred to therein.

According to Rule 5 of the Work Service Rules, an employee with less than a year's service from the date of appointment is not entitled to Privilege leave. Such an employee, when no casual leave is at his credit, is treated to be on Leave Without Allowance when absent from work. The periods of Leave Without Allowance intervene during the course of one year from the date of appointment whenever he is absent on Leave Without Allowance. As the party is entitled under the Rule for Privilege Leave of one month for every year of continuous service, the point involved is, whether or not, the intervening periods of Leave Without Allowance interrupt the continuity of service for the purposes of calculating the title to Privilege leave.

If periods of Leave Without Allowance granted under such circumstances, are to be treated as constituting interruption of continuous service, it would involve the employees in a double penalty in as much as they lose their pay for the period and the benefit of the service rendered upto that period. One year's

continuous

continuous service under these conditions would be difficult of achievement for the employees. I, therefore, suggest that periods of Leave Without Allowance not exceeding on the whole, one month, during the first year of service may not be taken as interruption of continuous service. I request that orders of Government may be kindly obtained in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

COMPTROLLER.

29/6/43

*
E_X_T_R_A_C_T. of Paras 1 and 2 of letter No.F.9055 dated 9-4-43 from the Financial Officer, Government Electric Factory, Bangalore, to the Comptroller to the Government of Mysore, Bangalore.

---

I have the honour to state that as per rule 5 of the Works Service Rules, an employee on the monthly rated staff may be allowed privilege leave of one month's duration with full pay "For every year of continuous service" under note 1 of this rule an employee with less than a year's service from date of appointment is not entitled to privilege leave.

Men newly entertained, who have put in less than one year's service and who have no casual leave at credit are treated as on leave without allowance when they absent themselves from work. For instance, an official of the Factory on a pay of Rs.35/-, who was entertained newly on 26-1-42 was granted leave without allowances on 1-4-42, 11-7-42, 3-8-42, 5th & 6th January 43 and 18-1-43. In view of the fact that leave for one month is granted for every year of continuous service, whether continuity of service is interrupted by leave without allowances under the Work Service Rules is not free from doubt. We solicit definite instructions in the matter for guidance.

Superintendent 29.6.43.

29/6/43

Appendix F. G.—1]

SUBJECT:— Application of Rule 5 of the Work Service Rules issued in G.O. No. D 2086-92 Lab 252-38-18 dated 28-10-41

Section Lc,
File No. 3.43
Serial No. 2

*Diary No. of letter replied to*.....

No. 1529-30/L cl 1.

To

General and Revenue Secretariat

( )

*the* *194* .

1) The Govt Director I.C.

2) The Director I and C.

Date of issue 27-8-43

Signed by M. T. Shamanna

Sir,

I am directed to forward herewith for favour of your ~~for~~ / ~~favour~~ remarks a copy of the letter No. 806/I.A.D dated 29th/30 June 43 ~~Received~~ from the Comptroller to Govt together with that of its enclosure on the above subject ~~and also an extract of letter No. 7053~~ dated 9-4-43 from the Financial Officer, Govt Electric Factory, to the Comptroller to Govt in the matter. An early reply is expected. ~~in this~~ I have etc

List of enclosures.....

An early reply is requested

I have etc.

for Dev Secy

Copied by.....

Examined by.....

WD 04161—GPB—60,000—21-10-41

Sc 3-43-7

**GOVERNMENT OF MYSORE.**

OFFICE OF The Government Director,
Industrial Concerns, Bangalore.

No. G. 262 *Date* 4th Sep, 43.

To The Secretary to Government,
Development Department,
Bangalore.

6. SEP. 1943

263 Sir;

1700

With reference to your letter No.D.1531-32 dated 27th August 1943, I have the honour to state that I agree to the Comptroller's suggestion that periods of leave with allowance not exceeding one month for the first year of service of the employee governed by the Work Service Rules may not be taken as interruption of the continuous service.

I have the honour to be,
Sir,
Your most obedient servant,

Government Director,
Industrial Concerns.

MSD)

C. E. No. 46]

**GOVERNMENT OF MYSORE**

9 & C 3-43-8

No. B2-51/41-42.
Encls.

**OFFICE OF** the Director of Industries and Commerce in Mysore, Bangalore.

**Date** 6th September 1943.

1762

**To**

Charles E. Noronha, Esq., M.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

Sir,

8 SEP 1943

Application of Rule 5 of the Work Service Rules issued in G.O.No. D.2086-92/I&C. 252-38-18, dated 28-10-1941.

---

With reference to your letter No. D.1531-2/Enc.1 dated the 27th August 1943 forwarding for my remarks copy of letter of the Comptroller No. 806/IAD. dated 29/30-6-43, I have the honour to state that I concur with the suggestion made by the Comptroller in the last para of his letter viz., that periods of leave without allowances not exceeding on the whole one month, during the first year of service, may not be taken as interruption of continuous service.

I have the honour to be,
Sir,
Your most obedient servant,

Director-in-charge.

RS

6-9-43

J. C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

1777

SEC. SEP. 1943

Comptroller's Office, Bangalore.

No. 165/I.A.D. *Dated the* 6th September *1943.*

THE SECRETARY
to the Government of His Highness
the Maharaja of Mysore, DEVELOPMENT DEPARTMENT,
BANGALORE.

Re: The application of Rule 5 of the Work Service Rules issued in G.O.No.D.2086-92 I & C.252-38-18 dated 28-10-1941.

Sir,

I have the honour to invite your kind reference to this Office letter No.806/I.A.D. dated 30th June 1943 regarding the treatment of periods of Leave Without Allowance during the first year of service of the employees in Government Industrial Concerns and to request that orders of Government may be kindly obtained on the point raised therein.

I have the honour to be,
Sir,
Your most obedient servant,

COMPTROLLER.

Dc 3-43-9

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE

No 207/IAD. Encl(one)

*Bangalore, dated 22nd September 1943*
23rd

2270 vide also. 1700/1777

From

M. SHAMANNA, Esq., M.A.,
*Comptroller to the Government of*
*His Highness the Maharaja of Mysore,*
*BANGALORE.*

To

The Secretary to Government,
Development Department,
B a n g a l o r e.

Sir,

Re: the application of Rule 5 of the Work Service Rules issued in G.O.No.D.2086-92 I.& C.252-38-18 dated 28-10-41.

I have the honour to forward herewith a copy of letter No.2053 dated 26th August 43, received from the General Manager of the Government Industrial & Testing Laboratory, Bangalore, re: the application of Rule 5 of the Work Service Rules with regard to employees placed under suspension or granted leave without allowances. According to Rule 5, an employee on the monthly rated staff of a Government Industrial Concern may be allowed privilege leave with full pay for one month for every year of continuous service provided other conditions are satisfied. But when a period or periods of suspension of an employee intervene, it is not clear from the Work Service Rules as to how the continuity of service of such an employee is affected for the purposes of calculation of his privilege leave. Rule 7 of the Work Service Rules prescribes that privilege leave is not earned by an employee during a period of leave of the same kind or during furlough or leave without allowance or during suspension from office. It is to be made clear whether or not such periods of suspension as a penalty for misconduct constitute interruption of continuous service and if so whether all title to leave accumulated prior to the date of suspension is automatically forfeited.

I am of the opinion that the provision of the Mysore Service Regulations as contained in Articles 169 and 170 may be made applicable to the employees governed by the Work Service Rules in respect of periods under suspension.

I have also to invite your kind reference to my proposals regarding the treatment of periods of leave without allowance in letter No.806/IAD dated 30th June 43 on which orders of Government are awaited. I therefore, request you to kindly obtain orders of Government on the points raised regarding the treatment of periods of leave without allowance and of suspension of employees under Work Service Rules.

I have the honour to be,
Sir,
Your most obedient servant,

Comptroller.

RR)

Letter No.2053 dated 26th August 43 from the General Manager, Government Industrial & Testing Laboratory, Bangalore, to the Comptroller of Mysore, Bangalore.

==========

I have the honour to state that under Rule 5 of the Work Service Rules, an extract of which is noted at foot, privilege leave of one month's duration with full pay may be allowed to an employee for every year of continuous service. A doubt is felt whether all claims to privilege leave earned theretofore are forfeited when an employee is placed under suspension or granted leave without allowances. I therefore, solicit the favour of clear and definite instructions in the matter.

==========

Work Service Rules applicable to Government Industrial Establishments - Rule 5 Privilege leave - Monthly rated staff.

On the management being satisfied of the good conduct and regular attendance of an employee, he will, on his written request, be allowed privilege leave of one month's duration with full pay for every year of continuous service, provided that such leave shall be given when it is convenient to the management and is not detrimental to the operation of the department in which the employee is engaged. This leave can be accumulated upto a limit of three months.

= Copy =

Superintendent 2nd

23/9/43

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*..... .. ....

General and Revenue Secretariat.

) }
*the* *194* }

Date of issue..... 27/6/41 ..... 194 .

Signed by ..... M' J.C

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette, Kannada Part ?

In regard to the application of rules 5th of the Work Service rules; about the treatment of L.w.a & the periods of suspension

Section. 8rc

File No. 3-43

Serial No. 10.

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

*Read*— G.O No. S. 2086-92/98C. 252-38-18 d. 28.10.41 issuing a set of uniform Work Service Rules for regulating leave & other benefits to the employees in the Govt. Industrial Establishments.

2. Correspondence ending with letter No. 207/IA.D. d. 23.9.43 from the Comptr to Govt. suggesting that, Order thereon.—~~No.~~ ~~in the Circumstances explained~~, the periods of leave without allowance, not exceeding on the whole one month granted to the employees during their first year of Service may not be taken as interruption of continuous Service & that the provision of the M.S.R. ~~as~~ contained in Arts 169 & 170

may be made applicable in respect of
periods under Suspension for the purpose
of Calculating title to the privilege leave
~~accn under rule 5 of the Work Service~~
~~Rules issued in G.O of 28.10.41~~
~~year above.~~

3. Letter No G. 24/2 S. 4.9.43
from the Govt. Dir", Industrial Concerns.
and letter No. B/2-51/41-42 S. 6.9.43
from the Dir of D & C. both agreeing
with the suggestion of the Compt" regarding the application
of ~~the~~ rule 5 of the Work Service Rules
to employees granted leave without allowance.

Order No. D 6763 S.

1. The Dir of D & C & the G. D. C. works were Consulted Concern with the Compli in regard to the treatment of L. W. A, as no interruption of Continuous service.

2 Govt. I agree with the Compt" ~~are pleased to~~ and direct that the following note be added to Rule 5 of the Work Service Rules issued in G.O dated 28.10.41.

List of Enclosures

3. The Compli is requested to send draft amendment to the WS rules for the approval of Govt.

Note 3.— Period of leave without allowance not exceeding on the whole, one month, granted to an employee during the first year service may not be taken as interruption of Continuous service.

Copied by

Examined by

Note 4.— Arts 169 & 170 of the M. S R will be

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*).

applicable ~~to the~~ an employee placed under suspension.

25/4/44 Dev. Secy.

25/4/44 Dr.

To

The Govt. Dir. G.C. ✓

" Dir of Stc. ✓

" Commr of Labour in Mysore ✓

" Comptr Legislative Dept ✓

" C.C. of Rts. ✓

" Genl Manager Mys. State Rly

" Chairman, Mys. I. + steel works

25/4

11/4/44

WD 03697—GPB—30,000—2-2-40